

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare-Khammam District-Revision Petition filed under section 6 of A.P.S.A.L.T.R. 1959, by Sri. Kaipu Konda Reddy S/o Subba Reddy R/o Morampalli Banjar Burgampad (M), Khammam District-Against the orders of the Agent to Government, Khammam in CMA No:16/2002 Dated:28-11-2003 – Dismissed – Orders -Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O. Ms.No: 185

Dated:16 -09-2008.

Read the following:

1. From Sri R.Kameswara Rao, counsel for the petitioner, Revision Petition Dt:29-7-2005.
2. From the High Court of Andhra Pradesh W.P No.8/2006, 3-1-2006 and 17-3-2006.
3. Government Memo No:546/LTR-2/2006-1, Dated:2-2-2006.
4. District collector Khammam in RC.No:F2/WP-8/2006 Dated:3-5-2006.
5. Government Memo No:546/LTR-2/2006 Dated:21-8-2007, 3-9-2007 and 6-11-2007.

ORDER:

In the reference 1st read above Sri. Kaipu Konda Reddy S/o Subba Reddy has filed a Revision Petition before the Government against the orders of the Agent to Government in CMA No:16/2002,dt:28-11-2003, in respect of lands admeasuring 3.00 Acres Sy.No:431/1 in Morampalli Banjar (V), Burgampad(M) of Khammam District. The main grounds of the appellant in the Revision Petition among others are:

- a. The petitioner Kaipu Konda Reddy and Nagi Reddy are brothers. Nagi Reddy i.e. brother of petitioner purchased land from Syed Asrar S/o Syed Jaharul Haq in Sy.No:431/1/29 for an extent of Acres 5.30 situated in Morampalli Banjar Village on 25-10-1965 under sada sale deed. Ever since the land is in possession and enjoyment of the petitioner and his brother.
- b. The Agency Divisional Officer, Paloncha once taken up proceedings in case No:45/95/BPD and his brother Nagi Reddy attended the enquiry and submitted documents. The Agency divisional Officer, Paloncha considered the documents and passed orders on 31-3-1994 observing that the transaction is not in contravention of Regulation and as such the said orders became final.
- c. Partition took place with his brother Nagi Reddy and an extent of Acres 3.00 fell to his share and as such he is in possession and enjoyment of the said land. After partition, his name entered in the Revenue Records. Further, partitions did not come under the purview of LTR provisions.

2. The brief history of the case is that the case was taken up suo-motto with the particulars of village records. The Agency Divisional Officer on perusal of the pahanies disclosed that the name of Sri. Kaipu Konda Reddy finds place in the occupant column in the year 1994-95. Hence proved that Sri. Kaipu Konda Reddy came in possession of the suit land in the year 1994-95 i.e. after 3-2-1970. Hence the Agency Divisional Officer held that the transaction is null and void and ordered ejectment of Sri. Kaipu Konda Reddy from the said land in LTR Case No:H/154/95/BPD dt:17-10-2000. Aggrieved by the order of the Agency divisional Officer, Paloncha Sri Kaipu Konda Reddy filed an appeal before the Agent to Government, in Khammam. After perusal of the records the Agent to Government, Khammam held that Kaipu Konda Reddy failed to prove his documentary evidence land Revenue Receipts for the land said to be held by him at least for the crucial period of regulation i.e. for 1968-69, 1969-70 & 1970-71 and that the sale transaction which is said to be executed on 25-6-1968 is an ordinary sale deed and the transaction took place between two non-tribals in contravention of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959, r/w Regulation 1/1970. The Agent to Government in his proceedings CMA No.16/2002 dt:28-11-2003. Aggrieved by the orders of Agent to Government, filed a Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, Paloncha was requested to furnish parawise remarks and case records and the same were furnished in the reference 3rd read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 31-8-2007, 17-9-2007 and finally on 20-11-2007 through the reference 4th read above. Both the petitioner and his counsel were absent every time.

4. Government after careful examination of the material evidence on record found that:

- i. The sada sale agreement between Syed Asrar and Kaipu Nagireddy i.e. brother of the petitioner executed on 25-10-1965 is not valid in the light of the Judgement of the Hon'ble HC of Andhra Pradesh in CRP No.1087/96, dt:10-8-1998 in Bangaru RamaTilisamma Vs Yada Mastan Reddy that unstamped and unregistered sale agreements cannot be taken as an evidence of proof under section 17 B of Registration Act.
- ii. Therefore, the subsequent partition between the petitioner and his brother Nagireddy is also not valid.
- iii. Pahani of 1994-95 reveals that petitioner came into occupation of the suit land in the year 1994-95 which is after regulation 1/70 came into force. Petitioner produced Xerox copies of LR receipts only for the years 1993 and 1998 before the appellate authority.
- iv. Except the above, the petitioner has not filed any other valid documentary documents before the Government and thus failed to prove his legal title over the suit land.

5. Government after careful examination of the case records finds no reason to interfere with the orders of the Agent to Government, Khammam District in CMA No:16/2002 dt:28-11-2003 and accordingly dismissed the Revision Petition, the stay granted in W.P No.8/2006, dated 17-6-2006 become inoperative.

6. The Collector Khammam District / Additional Agent to Government, Bhadrachalam is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRAESH)

A.K.TIGIDI,
PRL. SECRETARY TO GOVERNMENT

To

The Collector, Khammam District.

(With RPAD of the following Records)

1. LTR Case No:154/95/BPD containing CFP 42 & NFP 2 total 44 pages.
2. F1. CMA No:16/2002 containing CFP 54 & NFP6 total 60 pages only.

The Agent to Government, Khammam.

The Agency Divisional Officer, Paloncha, Khammam.

The Mandal Revenue Officer, Burgampad, Khammam District.

Sri Kaipu Konda Reddy S/o Subba Reddy,

R/o Burgampad (M), Khammam District.

Sri Syed Asrar S/o Syed Jaharul Haq,

R/o Burgampad (M), Khammam District

Sri R.Kameswara Rao, Advocate,

H.No.8-84, Road No.3, Goutam Nagar,

Dilsukh Nagar, Hyderabad.

The P.S to M (TW & RAID)

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER